



MARICOPA COUNTY JUSTICE COURT

If you want to file a...

MOTION TO VACATE JUDGMENT

Forcible/Special Detainer



MARICOPA COUNTY JUSTICE COURT

A **MOTION TO VACATE JUDGMENT** can be filed by either party to vacate a default judgment or a judgment following a hearing or trial. If the time to appeal the judgment has expired, the Motion to Vacate Judgment must be served on the other party in the same manner as if serving a summons and complaint and proof of service must be filed with the court. If the time to appeal the judgment has not expired the Motion to Vacate Judgment may be served by first class mail.

An appeal cannot be taken from a default judgment. If you want your case reviewed by the Superior Court you must first file a **Motion to Vacate Judgment**. Any appeal will then be based on the court ruling on the Motion.

If this is your first filing in the case, you will be required to pay an answer fee.

The opposing party has TEN days (or the expedited time set by the court) after service of this motion to file a written response. If no response is received, the court will consider the motion and will enter an Order.

If you want to stay enforcement of the judgment you must post a supersedeas bond. The stay becomes effective when the bond is posted. The supersedeas bond will be set by the court.

Please STOP...



If there has not yet been a judgment rendered from the court.



MARICOPA COUNTY JUSTICE COURT

Please PROCEED...



If you want to court to vacate the judgment rendered.

FORMS Needed:



Motion to Vacate Judgment form

INSTRUCTIONS:

- 1) Complete the form and make copies. The court will require the original form. You may wish to have a copy and you will need a copy for the other party (parties) in the case.
- 2) File the forms with the court clerk and pay the fee, if applicable.
- 3) Serve the copy on the other party (parties). May be served by first class mail if the time to appeal the judgment has not expired. If the time to appeal has expired, the other party must be served in the manner provided for service of summons in Rule 4, 4.1 or 4.2 Rules of Civil Procedure. Generally, a licensed process server may be used.

IT IS IMPORTANT THAT ALL PARTIES KEEP THE COURT APPRISED OF ANY CHANGE IN ADDRESS A NOTICE OF CHANGE OF ADDRESS form must be filed with the court when a party changes their address.

Visit us at www.superiorcourt.maricopa.gov/justicecourts for additional filing information and online forms.

Filing Party or Attorney for Filing Party

Address

Maricopa County Justice Courts, State of Arizona

CASE NUMBER: _____

Plaintiff(s) Name / Address

Defendant(s) Name / Address

☐ **MOTION to VACATE JUDGMENT** ☐ **MOTION TO MODIFY JUDGMENT**

☐ ORAL ARGUMENT REQUESTED

☐ BY AGREEMENT

I am the ☐ Plaintiff ☐ Defendant in this case.

I would like the court to:

Date: _____

☐ Plaintiff

☐ Defendant

I CERTIFY that I mailed / delivered a copy of this MOTION to:

☐ Plaintiff at the above address or ☐ Plaintiff's attorney ☐ Defendant at the above address or ☐ Defendant's attorney

Date: _____

By: _____

☐ Plaintiff

☐ Defendant

NOTICE TO MOVING PARTY:

- ☐ *Time to appeal the judgment has expired. The motion is required to be served in the manner provided for service of summons in Rule 4, 4.1, or 4.2 Rules of Civil Procedure, as applicable. Proof of service must be filed with the court.*
- ☐ *The time to appeal the judgment has not expired. The motion is required to be served by first class mail.*

NOTICE TO RESPONDENT: *You have 10 days after service of this motion to file a written response, if you wish to do so. If no response is given, the Court will consider the relief requested and will enter an order without hearing any objection you may have.*